

To: StClair, Christie[StClair.Christie@epa.gov]; Allen, Laura[Allen.Laura@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]
Cc: EOC Public Information[EOC_Public_Information@epa.gov]; Germann, Sandy[Germann.Sandy@epa.gov]
From: StClair, Christie
Sent: Thur 9/10/2015 8:11:33 PM
Subject: Re: ABQ Journal: Hearing follow-up

Laura, here are the reporter's follow up questions. I'll reach out to OSWER to draft a response.

1. Can you or anyone at EPA provide me with a comment about the cave-in issue?
2. Do you want to clarify that Stanislaus wasn't blaming the cave-in for the spill? I think it's fairly clear from my story that he didn't, but wanted to let you clarify it for my readers if you wish. Some kind of comment on Hennis' allegation that this is misinformation from the EPA?
3. Also, he told me the only people at EPA he's been able to talk to are workers at the site. That "all attempts to talk to anyone up the chain-of-command have been rebuffed." Is that true and do you know if it's standard operating procedure?

Christie

EOC PIO

202-250-8956

202-250-8957

202-250-8959

From: StClair, Christie
Sent: Thursday, September 10, 2015 1:45 PM
To: Allen, Laura; Reynolds, Thomas; EOC Public Information
Subject: ABQ Journal: Hearing follow-up

Laura,

I just got an inquiry about the GKM owner saying Mathy lied during his testimony yesterday.

The reporter happens to be one of my former writers.

I sent him the response we sent Watchdog.org yesterday (which did not get included) and will let you know if he has any follow up questions.

Christie

From: StClair, Christie
Sent: Thursday, September 10, 2015 1:32 PM
To: Michael Coleman
Subject: Re: House hearing follow-up

Hi Michael,

Yes, I absolutely need you to go through official channels for anything related to Gold King Mine. All of my records are on a litigation hold and have been FOIA'd, and I can't use personal accounts for any government work anyway.

I was actually meaning to reach out to you today as well, I thought your article on the hearing was a really good example of journalism - rather than latching onto the most sensational quotes, you covered the hearing in a balanced, 360-degree way.

Having said that, first I'll point you to some initial information that may help. Please attribute to US EPA.

Page 7 of the internal investigation mentions a mine cave-in as a possible scenario that could have contributed to blockage that reduced water flows, thus causing water to back-up in the mine.

You should also review page 5 of the investigation, which mentions the rock giving way above the adit appeared to result in a spurt of water to flow from the mine.

And I do want to clarify Mathy did not say that a cave in “caused” the release. Our internal review did not make a finding of what “caused” the release.

Please take a look at all this and then let me know what you need - and your deadline.

Thanks, Michael,

Christie

From: Michael Coleman <mcoleman@abqjournal.com>

Sent: Thursday, September 10, 2015 1:11 PM

To: StClair, Christie

Subject: House hearing follow-up

Hi Christie: I just sent this message to your Facebook mail and then thought I should go through official channels.

I didn't realize you were at the hearing yesterday or I would have said hello. It was interesting and I thought the Democrats and Stanislaus did a pretty good job of putting the spill in perspective.

Having said that, I saw this Colorado Watchdog piece and talked to the mine owner myself today who reiterated the same notion -- that the testimony was incorrect on this particular count -- about the cave-in...

http://watchdog.org/237424/epa-hearing/?utm_source=newsletter&utm_medium=email&utm_campaign=watchdognewsletter_37

Can you talk to me about it or point me in the direction of a response? Thank you and I hope you are doing well. I'm with the Albuquerque Journal, just for the record, in case you forgot or were unaware.

Mike Coleman

Watchdog.org:

<http://watchdog.org/237424/epa-hearing/>

CO mine owner: EPA lied in congressional hearing

By Tori Richards / September 9, 2015

BEFORE THE DISASTER: This 2009 photo shows the mouth of the Gold King Mine running clear water at approximately 80 gallons per minute, according to owner Todd Hennis.

An Environmental Protection Agency official lied during a congressional hearing Wednesday when he said the agency responded to a Gold King Mine “cave-in” when in fact EPA contractors created the disaster by barricading the mine last summer, the owner of the mine has charged.

“This was a result of cave-ins and water buildup. That’s why we were there at the time,” said Mathy Stanislaus, assistant administrator of the EPA’s Office of Solid Waste and Emergency Response. His boss, Administrator Gina McCarthy, did not attend the first congressional hearing into the Animas River Spill, held by the House Committee on Science, Space and Technology.

Although Stanislaus was grilled on other issues such as transparency and double standards pertaining to non-government spills, none of the representatives drilled into Stanislaus’ claim that the Colorado spill was a result of natural forces.

But his comments weren't lost on Todd Hennis, Gold King's owner.

"It's absolute baloney of the worst sort," Hennis said immediately after the hearing. "They blocked off the flow of water out of the drain pipes and they created the huge wall of water in the Gold King by their actions last year."

One thing isn't in dispute: EPA contractors punched a hole in the top of the walled-up Gold King mine on Aug. 5, sending 3 million gallons of water into the Animas River, part of the Colorado River system that sustains much of the American Southwest. The waterway from Colorado to New Mexico turned bright orange.

....AND AFTER THE EPA WAS AT WORK: A 2014 photo shows the Gold King Mine after it was filled in, maintaining the round structure of the upper rock. Hennis says the gray drainage pipes at the bottom are partially blocked.

Hennis told Watchdog last month the EPA dumped 15 tons of hazardous waste into another mine he owned in 2005 and then walled up the Gold King last summer as a means to control water runoff.

He provided a photo to Watchdog showing a wide-open mine with a small stream of clear-colored water running out. Another photo from an EPA report shows a photo taken in 2014 after the mine had been closed off.

"It shows there was no flow of water coming out," Hennis said. "They are calling it an act of God when it was an act of government. The photos clearly show the EPA backfilled the portal to block water from coming out and they blocked the discharge pipes at the same time."

Blocking the mine's natural drainage triggered the catastrophe, Henning told Watchdog.

An EPA fact sheet also maintains that, "While excavating above the old (mine entrance), pressurized water began leaking above the mine tunnel, spilling about three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of

the Animas River.”

Rep. Bruce Westerman, R-Arkansas, asked whether contractor Environmental Restoration — a go-to EPA contractor — was qualified for the job.

“We’re not sure how much design engineering was done on this project or if the people were qualified to do this,” Westerman said. “Obviously (there was) a lack of planning that went into this because of the spill that occurred.”

Reps. Gary Palmer, R-Alabama; Barry Loudermilk, R-Georgia; and Lamar Smith, R-Texas, blasted the EPA for creating witch hunts on offending companies and individuals, while engaging in a lax attitude when the agency is at fault.

Loudermilk recalled the 2010 BP Oil spill and an appearance by President Obama on the “Today Show,” demanding the firing of BP Chairman Tony Hayward.

“Do you think we should have the same standards for Gina McCarthy?” Loudermilk asked. “Should we have called for her to be fired if definitely the EPA was responsible for the spill?”

Albuquerque Journal:

<http://www.abqjournal.com/641571/politics/republicans-blast-epa-for-animas-spill-dems-say-problem-much-bigger-than-epa.html>

Republicans blast EPA for Animas spill, Dems say problem much bigger than EPA

By: Michael Coleman / Journal Washington Bureau

WASHINGTON – U.S. House Republicans blasted the Environmental Protection Agency Wednesday for triggering a toxic mine spill that polluted the Animas River, but Democrats argued the agency's mishap pales in comparison to private mining companies' release of many more toxins into the river on an annual basis.

House Science Committee Chairman Lamar Smith, R-Texas, called the actions of federal and contract workers who accidentally unleashed mining toxins into the river at the abandoned Gold King mine near Silverton, Colo. "inexcusable." The spill polluted waters in Colorado, New Mexico and Arizona.

"The EPA's negligence is especially inexcusable since there were known procedures that could have prevented the river's pollution," Smith said, adding that the agency has failed to be "transparent" in the weeks since the spill.

"This committee asked for information from the EPA almost a month ago and we have yet to receive all of the documents that were requested," he said.

Mathy Stanislas, the EPA's assistant administrator in the Office of Solid Waste and Emergency Response, described the accident, which resulted in the spill of 3 million gallons of toxins into the Animas River over two days in August, "tragic and unfortunate. He said it will take time for the Interior Department and EPA Inspector General to complete investigations to determine the exact cause of the spill and who, exactly, is to blame.

Stanislaus also rebutted criticism from the Navajo Nation and others affected by the spill that the agency has not been transparent about the cause and effects of the ecological disaster.

"We have been as transparent as we possibly could," Stanislaus said.

EPA employees caused the spill Aug. 5 as they were devising a plan to deal with reservoirs of contaminated water left behind by mining companies. Environment officials have since flooded surrounding irrigation ditches to try to flush out contaminants in areas of the river and its tributaries used by farmers.

Stanislaus said Wednesday that New Mexico's affected water are back to normal.

"What we have communicated with State of New Mexico is that the water has returned to pre-incident levels," Stanislaus said.

The EPA official also rejected claims that the EPA ignored the dangers of a possible spill and noted that the Animas and three other area rivers take on 330 millions gallons of toxins annually from mining activity – and amount he compared the the three million gallons released by the EPA.

"We raised the issue and that's the reason we were there," Stanislaus said. "There was a cave-in with water seeping and we were there to address that."

Meanwhile, the director of the Navajo Nation's Environmental Protection Agency, Donald Benn, told the congressional panel that the EPA's lack of communication after the spill has fostered "a culture of mistrust." Benn said the Navajo Nation didn't receive word about the spill until 24 hours after the incident, and that came from the State of New Mexico's Environment Department, not the EPA.

Benn also said the EPA later assured the tribe that the toxin spill site had been plugged, but after Navajo officials went to the site to see for themselves "it was clear that it wasn't."

"It was still mustard," Benn said, referring to the bright yellow-orange color the river took on from iron oxide released into the river during the spill.

While Benn and committee Republicans criticized the EPA, Democrats on the panel noted that the EPA was in Colorado trying to help clean up toxins left by private mining companies – not the government. Rep. Eddie Bernice Johnson, D-Tex., noted that the Animas spill “was an unfortunate accident.”

“But Aug. 5 was not the first time the Animas has changed colors,” Johnson said.

Durango Mayor Dean Brookie said the 100-year-plus legacy of hardrock mining in the Rocky Mountains “is the quiet but real catastrophe that has largely gone unnoticed by the public until now.”

Brookie said longstanding mining activity in the San Juan mountain range surrounding Durango results in a “giant geologic game of whack a mole” that often causes the Animas river to run strange colors.

“These are tunnels and they fill up with water,” Brookie said, referring to the mines. “Pick your color – we’ve had black we’ve had grey, we’ve had all kinds of colors.”

Brookie also sought to deflect at least some of the pressure on the EPA as a result of the spill. He said the agency is “taking the issue seriously” and was there to help in the first place.

“There is no denying they had their hand on the shovel during this incident but they did not cause this spill on purpose,” Brookie said. “The EPA was at the Gold King Mine helping to address these long-standing environmental issues.”

Republican committee members expressed deep displeasure that EPA Administrator Gina McCarthy did not testify on the issue.

“Perhaps she doesn’t have good answers,” Smith, the committee chairman, said.

Smith and other Republicans also said if the spill had been caused by a private company, punitive action by the EPA would have been swift and severe.

“There appears to be a double standard,” said Rep. Gary Palmer, R-Ala. “If this had been a private company, I don’t EPA would share the same optimism and I don’t think the EPA would have handled them the same way it has handled itself. You would destroy the company.”

Rep. Steve Pearce, a New Mexico Republican, is not on the committee, but sat in on the hearing. He said afterward that the EPA should recuse itself from the lead investigatory role and turn that responsibility over to another government agency, perhaps the Bureau of Reclamation.

Earthworks, a national environmental group that focuses on mining pollution, estimates that there are over 500,000 abandoned and inactive hardrock mines strewn across the country. The abandoned mines could cost as much as \$50 billion to clean up, according the Environmental Protection Agency, which has admitted to inadvertently causing the Animas spill.

EPA has estimated the cost of cleaning up abandoned mines nationwide, not including coal mines, at between \$20 billion and \$54 billion.